LPA No. 104 of 2007

10.12.2007 Present: Mr. Sandeep Sharma, Assistant Solicitor General of India, for the appellants.

CMP(M) No. 660 of 2007

For the reasons stated in the application, duly supported by an affidavit, the same is allowed and the delay in filing the appeal is condoned. The application stands disposed of.

LPA No. 104 of 2007

The only question arising in this Letters Patent Appeal is whether the respondent herein is entitled to benefit of being granted relaxation of 2 Cms. in height being the ward of a CRPF Personnel.

The undisputed facts are that the respondent is the son of a CRPF Personnel. He belongs to Himachal Pradesh. As per the eligibility criteria, the minimum requirement of height is 170 Cms. However, for males belonging to hilly areas of Garhwal Kumaon, Himachal Pradesh, Gorkhas, Dogras, Marathas, Sikkims, Leh & Ladakh, Kashmir Valley and NE-States the minimum height required is 165 Cms.; in case of male candidates for tribals and Adivasis the height requirement is 162.5 Cms. Clause XVIII of the guidelines provides that the sons/daughters of CRPF Personnel are entitled to relaxation of 2 Cms. in height or in respect of chest. This relaxation is available in one of the two categories and not in both. Clause XVIII does not restrict itself to candidates from rest of India. It applies, uniformly across the board, to all the three types of candidates i.e. Adivasis/tribal; those belong to hilly areas and those

from rest of the country. If this relaxation is given to the respondent, then admittedly his case falls within the prescribed height required. The learned Single Judge has rightly decided this issue. We find no reason to interfere with the findings given by the learned Single Judge. The appeal is accordingly dismissed.

(Deepak Gupta), J.

December 10, 2007(K) (V. K. Ahuja), J.